

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ANTHONY G. GILL,

Plaintiff,

v.

9:02-CV-1380

**KATHLEEN FRAWLEY, R.N., Elmira C.F.;
CHARLIE PEET, Correction Officer, Elmira C.F.;
and S. GRAUBARD, Inmate Grievance Program
Supervisor, Elmira C.F.,**

Defendants.

**Thomas J. McAvoy,
Senior United States District Judge**

DECISION & ORDER

This *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 was referred to the Honorable George H. Lowe, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule N.D.N.Y. 72.3(c).

The Report-Recommendation dated May 9, 2006 recommended that Defendants' motion for summary judgment be granted. The Plaintiff filed objections to the Report-Recommendation, essentially raising the same arguments presented to the Magistrate Judge.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the

Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” Id.

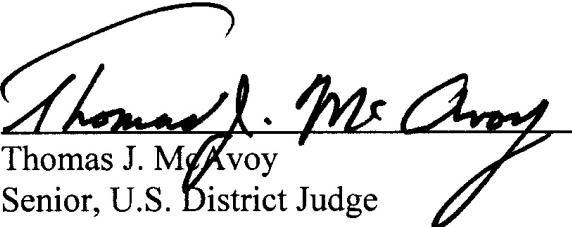
Having reviewed the record *de novo* and having considered the issues raised in Plaintiff’s objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Lowe for the reasons stated in the Report-Recommendation.

It is therefore

ORDERED that Defendants’ motion for summary judgment is **GRANTED** and Plaintiff’s complaint is **DISMISSED** in its entirety. The Clerk of the Court shall close the file in this matter.

IT IS SO ORDERED.

Dated: June 22, 2006


Thomas J. McAvoy
Senior, U.S. District Judge